DEPARTMENT OF STATE INSTRUCTION

CONFIDENTIAL
(Security Classification)

NO.: A-17 September 11, 1959

SUBJECT: Agreement of May 21, 1959

TO: American Embassy, BENGHAZI

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It has come to the attention of the Department that a significant discrepancy exists between the English and Arabic texts of the notes exchanged on May 21, 1959, concerning three components of the United States assistance program in Libya. The first paragraph of the English text provides that economic assistance made available from special purpose funds may be utilized "this fiscal year" at the discretion of the Libyan Government rather than being placed at the disposal of LARC. The Arabic text omits the quoted words. While this omission is not considered to affect the validity of the agreement, it is considered desirable to insure that the Libyan Government understands that this procedure was agreed to only for the present fiscal year and not permanently.

Accordingly, the Embassy is instructed to submit the following unilateral note, which will be considered as having been accepted by the Libyan Government in the absence of an express rejection:

"I have the honor to refer to the Agreement between the Government of the United States and the Government of the United Kingdom of Libya regarding economic assistance effected by an exchange of notes signed at Benghazi on May 21, 1959. It has been noted that the translation of the United States note set forth in the Libyan note omits the words 'this fiscal year' which appear in the first paragraph of the United States note.

"I wish to confirm the understanding of my Government that in the application of the Agreement of May 21, 1959, my Government will consider the Libyan note of that date as having been intended to include the words 'this fiscal year' in the first paragraph of the United States note regarding utilization at the discretion of the Government of the United Kingdom of Libya of the economic assistance from the special purpose funds referred to therein, and that 'this fiscal year' refers to the Libyan fiscal year 1959/1960."

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